

Bureau of Internal Affairs
Investigations Division
Confidential Investigations Section

17 January 2013
CL #1049118

Witness Statement of: Police Officer Brian M. GARNER #8984, Employee [REDACTED]

Statement Location: Chicago Police Department
Internal Affairs Division, 3510 South Michigan Avenue

Interviewed By: Detective Shawn KENNEDY #21270, Unit 121

Typed By: Detective Shawn KENNEDY #21270, Unit 121

Witnessed By: None

Date & Time: 17 January 2013; 0625 hours

Attorney Present: None

IDENTIFICATION QUESTIONS

KENNEDY: What is your full name, rank, star number, unit of assignment?

GARNER: Brian Michael GARNER; police officer; 8984; UOA: 009.

KENNEDY: What is your date of appointment and employee number?

GARNER: 05 December 2005; [REDACTED]

KENNEDY: What is your date of birth?

GARNER: [REDACTED]

KENNEDY: How long have you been assigned to your present unit?

GARNER: Seven years.

BODY OF STATEMENT

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KENNEDY: Have you been advised that this is a witness statement and that there are no allegations made against you?

GARNER: Yes.

KENNEDY: Are you accompanied by counsel/representative of your choosing and if so, could you please identify him or her for the record?

GARNER: No.

KENNEDY: Do you understand that this is an official police department report and that any deviation from the truth is a violation of Chicago Police Department Rule #14, "Making A False Report", written or oral, which could lead to charges being placed against you and lead to your dismissal from the department?

GARNER: Yes.

KENNEDY: Are you ready to proceed with the statement at this time?

GARNER: Yes, I am not giving this statement voluntarily but under duress. I am only giving this statement at this time because I know that I will lose my job if I refuse.

KENNEDY: According to the Attendance and Assignment Sheet for the 009th District on 07 October 2011, first watch, you were assigned to Beat 923R. Is that accurate? (Reporting tendered a copy of the document to Officer GARNER.)

GARNER: Yes.

KENNEDY: According to the same document, your vehicle number is 6385. Is that accurate?

GARNER: Yes.

KENNEDY: According to the same document, your start time was 2100 hours. Is that accurate?

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GARNER: Yes.

KENNEDY: According to the same document, you worked first watch. Is that accurate?

GARNER: Yes.

KENNEDY: By working first watch on 07 October 2011, you would have actually reported to work at 2100 on 06 October 2011 to start your tour of duty for 07 October 2011. Is that accurate?

GARNER: Correct.

KENNEDY: According to the same Attendance and Assignment Sheet, Officer Kenneth MILES, JR. #16402 worked as your partner on Beat 923R on 07 October 2011. Is that accurate?

GARNER: Yes.

KENNEDY: During the year 2011, was Officer Kenneth MILES, JR. your regular partner on Beat 923R?

GARNER: Yes.

KENNEDY: According to this four-page Police Computer Aided Dispatch (PCAD) printout of the Unit History Records, it reflects activity for Beat 923R for 06 October 2011 at 2128 hours through 07 October 2011 at 0516 hours. Is this accurate? (Reporting Detective tendered a copy of the document to Officer GARNER).

GARNER: Yes.

KENNEDY: On page four of the same document, it reflects a logon date and time of 06 October 2011 at 2140 hours. Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects the person that logged-on to the mobile data terminal is PC0X057, which is the PC number for your partner Officer Kenneth MILES, JR. Is this accurate?

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GARNER: Yes.

KENNEDY: According to the Data Warehouse Alpha Star Search for Kenneth MILES, JR. with star number 16402, his log-on ID is **PC0X057**. Is this accurate?

GARNER: Yes.

KENNEDY: Bringing your attention back to the Unit History Records, it reflects the mobile data terminal logged-on to is [REDACTED]. Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects your vehicle number is 6385, which also corresponds with the same vehicle number listed on the Attendance and Assignment Sheet for you and Officer MILES, JR. for that date. Is this accurate?

GARNER: Yes.

KENNEDY: When you and Officer MILES, JR. work together as partners and he logs-on to the mobile data terminal with his log-on codes, is he generally the passenger of your vehicle for that date?

GARNER: It just depends who get to the mobile terminal first.

KENNEDY: When you and Officer MILES, JR. work together as partners and he is the passenger of your vehicle, is he also generally the person who handles all or most reports generated during your tour of duty?

GARNER: As the passenger, he mostly will handle preparing reports.

KENNEDY: On the top of page four of the same document, it reflects you and Officer MILES, JR. were dispatch an assignment on 06 October 2011 at 2218 hour. Is that accurate?

GARNER: Yes.

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KENNEDY: Is that event number [REDACTED]

GARNER: Yes.

KENNEDY: On the bottom of page three of the same document, it reflects you and Officer MILES, JR. acknowledge the assignment on 06 October 2011 at 2218 hours. Is this accurate?

GARNER: Yes.

KENNEDY: On the same page, it reflects RD number [REDACTED] was issued to Beat 923R on 06 October 2011 at 2259 hours. Is this accurate?

GARNER: Yes.

KENNEDY: On the same page, it reflects a change of location (CLOC) to the 009th district with a traffic violator bond (009 TVB) on 06 October 2011 at 2317 hours. Is this accurate?

GARNER: Yes.

KENNEDY: On the same page, it reflects you and Officer MILES, JR. cleared from that assignment on 07 October 2011 at 0031 hours. Is this accurate?

GARNER: Yes.

KENNEDY: Bringing your attention to the two-page Police Computer Aided Dispatch (PCAD) printout of the Event History Records for that assignment, which is event number [REDACTED] it reflects the type of assignment was an auto accident with property damage, which is indicative of "AUTOPD". Is this accurate? (Reporting Detective tendered a copy of the document to Officer GARNER).

GARNER: Yes.

KENNEDY: According to the same document, the location is listed as: 437 W. 28th Street/2800 S. Canal Street. Is this accurate?

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GARNER: Yes.

KENNEDY: Bringing your attention to the two-page Illinois Traffic Crash Report number [REDACTED], does this correspond to the assignment you and Officer MILES, JR. were assigned to under event number [REDACTED] (Reporting Detective tendered a copy of the report to Officer GARNER.)

GARNER: Yes.

KENNEDY: The same document reflects an address of occurrence of 500 W. 28th Place at the intersection of Canal Street. Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects the driver of Unit #1 was [REDACTED] Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects [REDACTED] was the driver of a [REDACTED] with license plate number [REDACTED]. Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects [REDACTED] refused medical attention by ambulance #4. Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects [REDACTED] was issued citation number [REDACTED] Is this accurate?

GARNER: Yes.

KENNEDY: The same document reflects a signature of "K. MILES, JR." with star number 16402. Is this the signature and star number of your partner Officer MILES, JR.?

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GARNER: Yes.

KENNEDY: Did Officer MILES, JR. prepare this Illinois Traffic Crash Report?

GARNER: Yes.

KENNEDY: Bringing your attention to citation number [REDACTED], is this the same citation number that is also listed in Illinois Traffic Crash Report number [REDACTED]?

GARNER: Yes.

KENNEDY: Is [REDACTED], the listed name on that citation the same name of the individual as listed on Illinois Traffic Crash Report [REDACTED]?

GARNER: Yes.

KENNEDY: According to the same citation, is the vehicle associated with [REDACTED], a [REDACTED] with license plate number [REDACTED]?

GARNER: Yes.

KENNEDY: Is the signature of "K. MILES, JR." with star number 16402 that is listed on the same citation, that of your partner Officer Kenneth MILES, JR.?

GARNER: Yes.

KENNEDY: The traffic court key on that citation is "U". Is your traffic court key "Q"?

GARNER: Yes.

KENNEDY: Did Officer MILES, JR. prepare and issue citation number [REDACTED] to [REDACTED]?

GARNER: Yes.

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KENNEDY: Bringing your attention to Vehicle Tow Report number [REDACTED] [REDACTED] it reflects a tow for the vehicle driven by [REDACTED] [REDACTED], which is a [REDACTED] with license plate number [REDACTED]. Is this accurate? (Reporting Detective tendered a copy of the document to Officer GARNER.)

GARNER: Yes.

KENNEDY: The listed reason for the tow is "Immediate – Traffic Crash". Is this accurate?

GARNER: Yes.

KENNEDY: On the same document, "GARNER" with star number 8984 is listed in box number one. Is that accurate?

GARNER: Yes.

KENNEDY: On the same document, "MILES" with a star number of 16402 is listed in box number two. Is this accurate?

GARNER: Yes.

KENNEDY: Did you prepare the Vehicle Tow Report for this assignment?

GARNER: Yes.

KENNEDY: Bringing your attention to recognizance bond number [REDACTED], does it list the same name, [REDACTED] which is the same name as listed on Illinois Traffic Crash Report number [REDACTED] [REDACTED] citation number [REDACTED] and Vehicle Tow Report number [REDACTED]? (Reporting Detective tendered a copy of the document to Officer GARNER.)

GARNER: Yes.

KENNEDY: Does the same recognizance bond reflect the same citation number [REDACTED] that was issued to [REDACTED]?

GARNER: Yes.

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KENNEDY: Does the same recognizance bond reflect [REDACTED] was issued an I-Bond on October 07, 2011 at 12:11 AM?

GARNER: Yes.

KENNEDY: Do you recognize the image in this CLEAR Mugshot display lineup to be a picture of [REDACTED] (Reporting Detective tendered a copy of the document to Officer GARNER.)

GARNER: Actually, I cannot remember how she looks.

KENNEDY: Do you recognize any of the four images in this CLEAR Mugshot display lineup to be a picture(s) of [REDACTED]? (Reporting Detective tendered a copy of the document to Officer GARNER.)

GARNER: Not to my knowledge.

KENNEDY: Do you recall [REDACTED], by name or by picture, in relationship to the traffic accident that took place on 06 October 2011 at approximately 2220 hours in the vicinity of 28th Place and Canal Street?

GARNER: By name only, yes I remember.

KENNEDY: Based on the documents you have been tendered, do you recall you and Officer MILES, JR. being assigned this traffic accident on 06 October 2011?

GARNER: Yes.

KENNEDY: What do you remember about the traffic accident involving [REDACTED] and her subsequent transport into the 009th district police station for a traffic violation?

GARNER: She was involved in an accident with a female. The female said she was in an accident with told us [REDACTED] ran a stop sign and struck her vehicle. We ran [REDACTED]'s driver's license and it came back suspended so we took her in for a TVB.

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KENNEDY: What was [REDACTED] demeanor at the site of the traffic accident prior to you and Officer MILES, JR. transporting her into the 009th district police station for a traffic violation?

GARNER: She was pretty irate. She was cussing at us and at the lady whose car she struck. There were other witnesses at the scene. We were not able to obtain their information but they told us what happened. She was acting crazy. She was screaming at us and at the female that she struck. I cannot recall the exact words she used.

KENNEDY: Prior to you and Officer MILES, JR. transporting [REDACTED] into the 009th district police station, did she indicate by words or actions that she was injured?

GARNER: Not that I recall.

KENNEDY: Prior to you and Officer MILES, JR. transporting [REDACTED] into the 009th district police station, did she request medical attention?

GARNER: Not that I recall.

KENNEDY: During anytime [REDACTED] was in your presence, did she request medical attention?

GARNER: Not that I recall.

KENNEDY: According to the Illinois Traffic Crash Report, ambulance #4 was on the scene. To your knowledge, did paramedics render any aid to [REDACTED]?

GARNER: I think she refused.

KENNEDY: When you and your partner arrived on the scene, was an ambulance already present?

GARNER: I don't recall.

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KENNEDY: When you and your partner arrived on the scene, was [REDACTED] still in her personal vehicle or was she in the ambulance?

GARNER: I don't recall.

KENNEDY: Do you recall if [REDACTED] needed assistance walking from her personal vehicle or from the ambulance?

GARNER: I don't recall.

KENNEDY: Do you recall if [REDACTED] needed assistance walking to the ambulance or to your Department vehicle?

GARNER: I don't recall.

KENNEDY: What was [REDACTED] demeanor once inside of your Department vehicle during the time you and Officer MILES, JR. transported her into the 009th district police station for a traffic violation?

GARNER: I think she calmed down a little bit. She simmered down some.

KENNEDY: What was [REDACTED] demeanor during the time she spent in the 009th district police station while being processed for a traffic violation?

GARNER: I don't recall.

KENNEDY: What was the extent of your interaction with [REDACTED] while at the site of the traffic accident?

GARNER: Very minimum.

KENNEDY: What was the extent of Officer MILES, JR.'s interaction with [REDACTED] while at the site of the traffic accident?

GARNER: I don't recall.

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KENNEDY: What was the extent of your interaction with [REDACTED] during the time she was being transported into the 009th district police station by you and Officer MILES, JR.?

GARNER: Minimum interaction.

KENNEDY: What was the extent of Officer MILES, JR.'s interaction with [REDACTED] during the time she was being transported into the 009th district police station by both of you?

GARNER: Minimum.

KENNEDY: What was extent of your interaction with [REDACTED] during the time she spent in the 009th district police station being processed for a traffic violation?

GARNER: Very minimum.

KENNEDY: What was extent of Officer MILES, JR.'s interaction with [REDACTED] during the time she spent in the 009th district police station being processed for a traffic violation?

GARNER: His interaction with her would have been greater because of the information he had to get from her and the reports he wrote.

KENNEDY: Who had the most interaction with [REDACTED] between you and Officer MILES, JR.?

GARNER: Officer MILES.

KENNEDY: While inside the 009th district police station, did you observe Officer MILES, JR. say anything of a provocative nature to [REDACTED] [REDACTED]?

GARNER: Not that I recall.

KENNEDY: While inside the 009th district police station, did you observe Officer MILES, JR. do anything of a provocative nature, by physical gesture, to [REDACTED] [REDACTED]?

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GARNER: No.

KENNEDY: Between you and Officer MILES, JR., who spent the majority of the time with [REDACTED] while in the processing area?

GARNER: We were both in the processing area. I may have been one seat over facing her. We both spent the same amount of time with her but my partner is the one who verbally interacted with her. I was able to see her the entire time.

KENNEDY: Did you leave the processing area at anytime while Officer MILES, JR. and [REDACTED] were there?

GARNER: I don't recall. I might have.

KENNEDY: After [REDACTED] bonded out of the 009th district police station, did you and/or Officer MILES, JR. offer [REDACTED] a ride in your Department vehicle since she had no money or means of transportation?

GARNER: I don't recall.

KENNEDY: After [REDACTED] bonded out of the 009th district police station, did you and/or Officer MILES, JR. provide [REDACTED] a ride anywhere in your Department vehicle?

GARNER: I don't recall.

KENNEDY: Are you aware that your Department vehicle number 6385 is equipped with GPS and can track your location, time and speed and any location you park at during your entire tour of duty?

GARNER: Yes.

KENNEDY: Are you aware that the camera facing forward on the top of your Department vehicle records even when your blue lights are not activated?

GARNER: Yes.

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KENNEDY: Are you also aware that the video footage from that camera can be retrieved to view everywhere your Department vehicle went on a particular night, which also includes images of individuals your vehicle has rolled up along side of?

GARNER: Yes.

KENNEDY: I will reiterate to you, do you understand that this is an official police department report and that any deviation from the truth is a violation of Chicago Police Department Rule #14, "Making A False Report", written or oral, which could lead to charges being placed against you and lead to your dismissal from the department?

GARNER: Yes.

KENNEDY: After [REDACTED] bonded out of the 009th district police station, did you and/or Officer MILES, JR. provide [REDACTED] or any female a ride anywhere in your Department vehicle?

GARNER: I don't recall.

KENNEDY: If you did provide [REDACTED] a ride in your Department vehicle, where would you and Officer MILES, JR. have transported [REDACTED] to, after she bonded out of the 009th district police station?

GARNER: I don't recall and I don't know that we did.

KENNEDY: A citizen, who bonded out of the 009th district police station three minutes prior to [REDACTED], used [REDACTED] cell phone outside of the station. He observed two male police officers pulled up in their marked Chevy Tahoe and [REDACTED] hold a two minute flirtatious conversation with the front seat passenger of that vehicle. He subsequently observed the same two officers provide [REDACTED] a ride in their Department vehicle. Are these two officers you and Officer MILES, JR.?

GARNER: Not that I recall.

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KENNEDY: It has already been established that Officer MILES, JR. was the passenger that evening. Is that accurate?

GARNER: Yes.

KENNEDY: Was it Officer MILES, JR. who held this flirtatious conversation with [REDACTED] as she stood on the curb outside of the front passenger side of your Department vehicle?

GARNER: Not that I recall.

KENNEDY: Did [REDACTED] get into the rear passenger seat of your Department vehicle?

GARNER: Not that I recall.

KENNEDY: On that night, were you the driver of that Department vehicle?

GARNER: Yes.

KENNEDY: If you and Officer MILES, JR. did provide [REDACTED] a ride in your Department vehicle, subsequent to her bonding out of the 009th district police station, would you have driven and parked your Department vehicle under a viaduct, with her still in it?

GARNER: Not that I recall.

KENNEDY: Would you have parked your Department vehicle under a viaduct while [REDACTED] or any female citizen was inside of your vehicle?

GARNER: No.

KENNEDY: At anytime while [REDACTED] or any female citizen may have been in your Department vehicle, did you observe and/or hear Officer MILES, JR. pull down his pants and/or underwear, exposing himself to that individual?

GARNER: No.

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KENNEDY: At anytime while [REDACTED] or any female citizen may have been in your Department vehicle, did you observe and/or hear Officer MILES, JR., in gesture and/or words, request any individual to perform oral sex on him?

GARNER: No.

KENNEDY: At anytime you were in the vicinity of [REDACTED], did you hear or observe, Officer MILES, JR. ask her for a date?

GARNER: No, not that I recall.

KENNEDY: At anytime you were in the vicinity of [REDACTED], did you hear or observe, Officer MILES, JR. ask her for her telephone number outside of what he wrote on the Illinois Traffic Crash Report?

GARNER: Not that I recall.

KENNEDY: If you and Officer MILES, JR. provided [REDACTED] a ride in your Department vehicle, after she bonded out of the 009th district police station, would you have notified the dispatcher?

GARNER: Yes.

KENNEDY: Prior to [REDACTED] vehicle being towed, did you throw her purse, containing USC and credit cards, inside of her unlocked vehicle that was going to be impounded?

GARNER: Not that I recall.

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CLOSING OF STATEMENT

KENNEDY: Is everything you told me in this statement the truth to the best of your knowledge?

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GARNER: Yes.


KENNEDY: Is there anything relative to this incident that you would like to add to your statement at this time?

GARNER: No.

KENNEDY: After reading this statement consisting of 17 pages and finding that all information is accurate, will you sign it?

GARNER: Yes.

Statement concluded at 0745 hours.


Police Officer Brian M. GARNER #8984


Detective Shawn C. KENNEDY #21270

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